IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.APPLICATION NO.596 OF 2007

Smt.Zaheeda Akbar Ansari and Ors. ..Applicants

Vs.

State of Maharashtra & Anr. ..Respondents

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Mr.H.E.Palwe counsel for Applicants
Ms.S.V.Gajare, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : FEBRUARY 27, 2007

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking quashing of proceedings relating to RCC No.616 of 2004 which is pending before the Judicial Magistrate F.C.Bhiwandi. In the said case, process has been issued against the applicants under Sections 403, 406 r.w. 34 of IPC. The learned advocate for the applicants submitted that the learned Magistrate committed an error in issuing process and the said

process deserves to be set aside. If the process issued against the applicants is set aside, the proceedings in respect of the applicants, would come to an end.

3. However, for the reasons recorded in the order passed by this Court in the case of **V.K.Jain Vs. P.V.Padode; 2005(3) Mh.L.J.778,** I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revision will be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Application is disposed of.

[V.K.TAHILRAMANI,J.]